

California Regional Water Quality Control Board
North Coast Region

Order No. R1-2003-0067
I.D. No. 1B84083OMEN

CEASE AND DESIST ORDER
MODIFYING ORDER NO. R1-2002-0025
REQUIRING
THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT NO. 1,
WASTEWATER TREATMENT FACILITY,
TO
CEASE AND DESIST FROM DISCHARGING WASTE
CONTRARY TO REQUIREMENTS PRESCRIBED BY
THE
NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD

Mendocino County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), finds that:

1. On June 22, 1995, the Regional Water Board adopted Order No. 95-47, NPDES Permit No. CA0023078, Waste Discharge Requirements for the Fort Bragg Municipal Improvement District No. 1 (Permittee), Fort Bragg Wastewater Treatment Facility (WWTF). The Order includes Effluent Limitations that must be met before treated wastewater from the Fort Bragg WWTF can be discharged to the Pacific Ocean. The Order was due to expire on June 21, 2000.
2. On January 23, 1997, the Regional Water Board found that the Permittee was discharging waste in violation of Order No. 95-47. The Regional Water Board adopted Cease and Desist Order No. 97-2, requiring the Permittee to repair a secondary biofilter on or before September 22, 1997. A second Cease and Desist Order, No. 98-126, was adopted on December 10, 1998, by the Regional Water Board after the aforementioned repairs failed to improve effluent quality to the extent of conforming with Order No. 95-47. Cease and Desist Order No. 98-126 included a Time Schedule for completing an evaluation to determine cost-effective infiltration/inflow reduction and for construction of treatment improvements.

3. On March 22, 2001, the Regional Water Board rescinded Cease and Desist Order No. 98-126 and adopted Cease and Desist Order No. R1-2001-23, which modified the Time Schedule to reflect a nine-month delay in NPDES permit renewal.
4. Also on March 22, 2001, the Regional Water Board considered a draft renewed permit for the WWTF (draft Order, NPDES Permit No. CA0023078, Waste Discharge Requirements for the Fort Bragg Municipal Improvement District No. 1, Fort Bragg Wastewater Treatment Facility). In response to an objection by an interested party who alleged a lack of proper notice of late permit revisions, the Regional Water Board did not adopt the Order and postponed the hearing until June 28, 2001. Before the hearing, the Regional Water Board received a letter from legal counsel representing the City of Fort Bragg requesting significant modifications of the draft Order. This letter also contained many other, highly technical comments on the draft permit. Regional Water Board staff has sent a written response to these comments to the Permittee and other interested parties.
5. On March 28, 2002, the Regional Water Board rescinded Cease and Desist Order No. R1-2001-23 and adopted Cease and Desist Order No. R1-2002-0025, which modified the time schedule to reflect a twelve-month delay in NPDES permit renewal.
6. In a letter dated January 28, 2003, the City of Fort Bragg requested that the time deadlines for the remaining tasks in Cease and Desist Order No. R1-2002-0025 be further extended until issues relating to the requested permit modifications are resolved and a new permit adopted. The requested modifications, if incorporated in the final permit, may affect the necessity of the treatment improvements proposed to satisfy Order No. R1-2002-0025. In recognition of this, the Time Schedule in this Order ties the effective dates in the Permittee's proposed time schedule to the date of the renewal of the Permittee's NPDES permit.
7. Pursuant to Section 15321, Title 14, California Code of Regulations, and California Water Code Section 13389, this is an action to enforce an NPDES permit for the protection of the environment and as such is exempt from the requirements of the California Environmental Quality Act (CEQA).
8. On June 26, 2003, after due notice to the discharger and all other affected persons, the Regional Water Board conducted a public hearing and evidence was received regarding this Cease and Desist Order.

THEREFORE, IT IS HEREBY ORDERED that Cease and Desist Order No. R1-2002-0025 is rescinded and the Fort Bragg Municipal Improvement District No. 1, Fort Bragg Wastewater Treatment Facility shall comply with the following time schedule:

<u>Task</u>	<u>Effective Compliance Date</u> <u>(days after the effective date of the renewed</u> <u>NPDES permit)</u>
Complete final design and advertise for construction bids	360 days
Award construction contract	480 days
Complete construction	900 days

Certification

I, Catherine E. Kuhlman, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on June 26, 2003.

Catherine E. Kuhlman
Executive Officer

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